

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 14, 2002**

AGENDA ITEM NO.: **24**

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) –Rivermont Avenue Baptist Church, 1301 Rivermont Avenue**

RECOMMENDATION: Approval of the requested CUP.

SUMMARY: Rivermont Avenue Baptist Church petitioned for a CUP at 1301 Rivermont Avenue to allow the construction of new parking spaces at the existing Church. The Planning Division recommended approval of the CUP petition because:

- Petition agrees with the *General Plan*, which recommends a Low Density Residential use.
- Church is adding parking for the existing Church functions, but has required the demolition of three residences.
- Petition is compatible with the surrounding land use and zoning in the area.

The petition was considered by the Planning Commission (PC) on April 10, at which time the PC recommended approval of the petition.

Section 35.1-15(f) of the Zoning Ordinance states: "In approving a Conditional Use Permit, City Council may impose any conditions which it deems necessary or appropriate."

PRIOR ACTION(S):

April 10, 2002: Planning Division recommended approval of the CUP petition.
Planning Commission recommended (5-0) approval of the CUP petition with the following condition:
The site shall be used and developed in substantial compliance with the site plan titled: Rivermont Avenue Baptist Church, Lynchburg , Virginia, Rear Parking Lot Addition," by WW Associates, dated January 31, 2002 (and received March 20, 2002).

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/ 847-1508, ext. 253
Bill McDonald/ 847-1508, ext. 257

ATTACHMENT(S):

- Ordinance
- PC Report
- PC minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Site plan

REVIEWED BY:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO RIVERMONT AVENUE BAPTIST CHURCH FOR USE OF THE PROPERTY AT 1301 RIVERMONT AVENUE TO CONSTRUCT A PARKING LOT, SUBJECT TO A CERTAIN CONDITION.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Rivermont Avenue Baptist Church for a Conditional Use Permit for use of the property 1301 Rivermont Avenue to construct a parking lot be, and the same is hereby, approved, subject to the following condition:

1. The site shall be used and developed in substantial compliance with the site plan titled "Rivermont Avenue Baptist Church, Lynchburg, Virginia, Rear Parking Lot Addition, by WW Associates, dated January 31, 2002 (and received March 20, 2002)."

Adopted:

Certified:

Clerk of Council

101L

The Department of Community Planning & Development

City Hall, Lynchburg, VA 24504 434-847-1508

To: Planning Commission
From: Planning Division
Date: April 10, 2002
Re: **CONDITIONAL USE PERMIT (CUP): 1301 RIVERMONT AVENUE**

I. PETITIONER

Rivermont Avenue Baptist Church, 1301 Rivermont Avenue, Lynchburg, VA 24504.

Representative: Victor K. Angell

II. LOCATION

The subject property is a tract of about 1/3 acre located at 1301 Rivermont Avenue at its intersection with Bedford Avenue. The subject parcels actually have frontage on Bedford Avenue and Ruffner Place.

Property Owner: Rivermont Avenue Baptist Church, 1301 Rivermont Avenue, Lynchburg, VA 24504.

III. PURPOSE

The purpose of this petition is to allow the construction of additional parking at the existing Church building in an R-3, Two-Family Residential District.

IV. SUMMARY

- Petition agrees with the *General Plan*, in that churches are permitted in residential areas upon approval of a CUP by City Council.
- Church is adding parking for the existing Church functions, but has required the demolition of three residences.
- Petition extends the institutional character of the block and can be compatible with the community.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **General Plan.** The Lynchburg *General Plan* recommends a Medium Density Residential use for the subject property. The subject petition proposes to use the property for an additional institutional use, but has required the demolition of three residences. The proposal will not maintain the current practice of preserving the existing residential areas as established by the *General Plan*.
 - **Zoning.** The existing residential zoning was established in 1930 and has remained as such to the present. The proposed use is compatible with the existing R-3 zoning in that a church can be allowed in this district upon approval of a CUP by City Council. The petition will not change the existing zoning of the property.
2. **Board of Zoning Appeals (BZA).** On February 26, the BZA considered variances to allow the construction of a parking lot behind their Church building with (1) the proposed parking lot having spaces located within five feet of Bedford Avenue and 11 feet of Ruffner Place instead of the average setback in the block, and (2) parking spaces being located within 10 feet of the western lot line instead of the required 29 feet. The Board approved the variances with the condition that parking spaces be located out of the setback along Bedford Avenue and a double row of trees be planted along the western property line.
3. **Surrounding Area.** City Council has acted upon several CUP petitions for the Church.

<u>Date</u>	<u>Address</u>	<u>Item</u>	<u>Action</u>
3/10/98	501 & 510 McDonald Street	22 parking spaces	Approved
7/24/91	405/407 Botetourt Street	56 parking spaces	Approved
4/12/88	1301 Rivermont Avenue	Nursery day care	Approved
4/8/86	1361 Rivermont Avenue	Parking spaces	Denied

The only other CUP petition recently acted upon in the area was for the addition and parking lot for the Association for Retarded Citizens of Central Virginia at 1508 Bedford Avenue. There have been no recent rezoning petitions in the vicinity of the subject property.

4. **Site Description.** The subject site is approximately 1/3 acre and has recently been cleared of three residences. The Church was built in 1910 and has had a few additions over the years. Providing an adequate amount of parking has been a continual problem for the Church. The subject property abuts the existing Church building with a small existing parking lot to the east and residences to the west. The adjacent residences are only about two to eight feet from the Church property line. To the south (across Bedford Avenue) is one of the Church's parking lots and the Holy Cross Cemetery.
5. **Proposed Use of Property.** The purpose of the CUP is to allow the construction of about 27 additional parking spaces.
6. **Traffic & Parking.** The City Traffic Engineer had no comments of concern regarding the subject petition. The proposed use is not expected to generate a significant amount of traffic.

Seating capacity of the sanctuary was earlier reported as being about 600 people, with about 300 normally attending services. Based on the regulations of the Zoning Ordinance, the usual seating for the Church would require 100 parking spaces. The Church had about 93 spaces after the parking addition in 1998. The Church now proposes to add about 27 more parking spaces, which would bring the total to about 120 spaces. Realignment of existing spaces or adjustments for the conditions imposed by the BZA may result in some deviation of this number of spaces.
7. **Storm Water Management.** The Environmental Specialist of the Robert E. Lee Soil & Water Conservation District notes that a storm water management plan will be required only if the disturbed area exceeds 1,000 square feet. Other than street drainage, the pending subdivision does propose any new disturbed areas.
8. **Impact.** The current submittal proposes an expansion of the existing institutional use after having removed three residences. The Planning Division is concerned about the loss of sound housing stock from institutional expansion throughout the City. Other than the previous demolitions, the development will have an impact similar to that of the current Church use and will be compatible with existing residences in the area. Provided there is not extensive loss of residences from the area, the proposed institutional use will not have an adverse impact on the future continued stability of the surrounding area. The proposed CUP is compatible with the surrounding land uses and zoning.
9. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on December 18 and noted the need for a few revisions, all of which were minor in nature and will need to be addressed by the petitioner prior to final site plan approval.
10. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary of appropriate in approving a CUP.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Rivermont Avenue Baptist Church for Conditional Use Permit at 1301 Rivermont Avenue to allow the construction of additional parking at the existing Church in an R-3, Two-Family Residential District, subject to the following condition:

The site shall be used and developed in substantial compliance with the site plan titled "Rivermont Avenue Baptist Church, Lynchburg, Virginia, Rear Parking Lot Addition," by WW Associates, dated January 31, 2002 (and received March 20, 2002).

This matter is respectfully offered for your consideration.

William K. McDonald, AICP
Acting City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. John W. Jennings, Fire Marshal
Ms. Judith C. Wiegand, Strategic Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Karl Cooler, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Victor Angell, Petitioner/Representative

VII. ATTACHMENTS

1. Vicinity Zoning Pattern
(see attached map)
2. Vicinity Proposed Land Use
(see attached map)
3. Site Plan
(see attached site plans)

MINUTES FROM THE APRIL 10 PLANNING COMMISSION MEETING

Petition of Rivermont Avenue Baptist Church for a Conditional Use Permit at 1301 Rivermont Avenue to construct a parking lot in an R-3, Two-Family Residential District.

Mr. Tom Martin, GIS Planner/Analyst, explained to the Commission that this petition had gone before the Board of Zoning Appeals (BZA) for variances for the parking lot, which had been approved. Mr. Martin said they received a variance for a side-yard set back from Ruffner Place of eleven feet and a ten feet set back from the western property line. Those variances were approved with conditions that parking spaces be located out of the setback along Bedford Avenue and a double row of trees be planted along the western property line. He said the Planning Division recommended approval of this petition.

Mr. Victor Angell, co-chair of the church's Properties Committee represented the church in this request. Mr. Angell said the church was originally constructed at this site in 1910 with two additions being added since that time. He said the church had off-site parking lots across Rivermont and Bedford Avenues. Additionally, they had parking available in an alleyway behind the church which had twelve paved spaces and nine graveled spaces. He added that the only other parking available was on the surrounding streets and spaces borrowed from The ARC. Mr. Angell said they were proposing to construct 37 more spaces, including three handicapped spaces, for a net of 25 spaces. He said the area would be improved with the paved lot, would be well landscaped, would eliminate the need for as many people to cross busy streets, and would improve traffic flow for drop-offs.

Commissioner Moore asked if there were existing houses on the proposed site.

Mr. Angell said there had been three houses on the site, but one had been demolished several years ago and two had been demolished recently. He said the site was currently graded.

After further discussion, Commissioner Wilkins made the following motion, which was seconded by Commissioner Moore and passed by the following vote:

"That the Planning Commission recommends to the City Council approval of the petition of Rivermont Avenue Baptist Church for a Conditional Use Permit at 1301 Rivermont Avenue to allow the construction of additional parking at the existing Church in an R-3, Two-Family Residential District, subject to the following condition:

The site shall be used and developed in substantial compliance with the site plan titled "Rivermont Avenue Baptist Church, Lynchburg, Virginia, Rear Parking Lot Addition, by WW Associates, dated January 31, 2002 (and received March 20, 2002)."

AYES:	Echols, Flint, Moore, Wilkins, Worthington	5
NOES:		0
ABSTENTIONS:		0

NOTE: Commissioner Pulliam was not available to vote on this public hearing.

RIVERMONT AVENUE BAPTIST CHURCH
1301 RIVERMONT AVENUE
CONDITIONAL USE PERMIT REQUEST
MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



Subject Property

200 ft. Radius

